

REMARKS

Claims 1-6 are pending.

Claims 1-6 stand rejected under 35 USC §102(b) as being allegedly anticipated by Clermidy.

Rejection under 35 USC §102(b) – claims 1-6

Claims 1-6 stand rejected under 35 USC §102(b) as being allegedly anticipated by Clermidy (A new placement algorithm dedicated to parallel computers: bases and application” publication). This rejection is respectfully traversed.

35 USC 102(b) states that a person shall be entitled to a patent unless “the invention was patented or described in a printed publication in this or a foreign county or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.”

Applicants respectfully disagree that the Clermidy publication is prior art under 102(b). The Clermidy publication was published on December 16, 1999. The present application was filed in the US on February 20, 2001. However, the present application is based on a PCT application filed on June 30, 2000 which is based on a French Application filed in France on July 2, 1999.

According to 35 USC 120: "An application for patent for an invention disclosed in the manner provided by ... section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as through filed on the date of the prior application...".

Section 363 further states that "an international application designating the US shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the PTO except as otherwise provided in section 102(e) of this title."

Because the present US application is based on the previously filed patent application in France on July 2, 1999, the present US application has a priority date of July 2, 1999 under 35 USC 120.

Therefore, the Clermidy publication of December 16, 1999 was published no later than 12 months from the priority date of July 2, 1999. Thus, the Clermidy publication cannot be considered prior art for a 102(b) rejection.

Applicant therefore submits that the rejection based the Clermidy publication is improper and should be withdrawn.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited. If, in the opinion of the Examiner, an interview would expedite the

prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,
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